



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 07 2018

REPLY TO THE ATTENTION OF:

LC-17J

CERTIFIED MAIL 7014 2870 0001 9578 8025
RETURN RECEIPT REQUESTED

Mr. Charlie Mills
Chief Executive Officer
Medline Industries, Inc.
Three Lakes Drive
Northfield, Illinois 60093

Re: Stop Sale, Use or Removal Order to Medline Industries, Inc.

Dear Mr. Mills:

Enclosed please find a Stop Sale, Use or Removal Order (SSURO or Order) issued by the U.S. Environmental Protection Agency to Medline Industries, Inc. (Medline) concerning **Micro-Kill 70 Isopropyl Alcohol Wipes**. The enclosed Order requires that you stop all distribution or sales of **Micro-Kill 70 Isopropyl Alcohol Wipes** and any other unregistered pesticide products under the "Micro-Kill" brand (collectively, the "violative pesticide products"). The Order applies to all quantities of the violative pesticide products, as described in the enclosed Order. The Order is effective immediately upon receipt by Medline.

Section 13(a) of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136k(a), authorizes the Administrator of EPA to issue an order prohibiting the sale, use, or removal of any pesticide by any person who owns, controls, or has custody of such pesticide whenever there is reason to believe that the pesticide is in violation of any provision of FIFRA or has been or is intended to be distributed or sold in violation of any provision of FIFRA. EPA has reason to believe that Medline is distributing or selling and intends to distribute or sell an unregistered pesticide product identified as **Micro-Kill 70 Isopropyl Alcohol Wipes**. The distribution or sale of an unregistered pesticide is an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

The issuance of this SSURO shall not act as a waiver by EPA of any enforcement or other authority available to EPA under federal law, including EPA's authority to seek civil penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the violations alleged in the SSURO or any other violation.

If you have any questions about this matter or wish to request an informal conference to discuss the Order, you may contact Ms. Nidhi O'Meara, Associate Regional Counsel, Office of Regional Counsel at (312) 886-0568.

Sincerely,

A handwritten signature in blue ink, reading "Mardi Klevs". The signature is written in a cursive style with a vertical line separating the first and last names.

Mardi Klevs
Chief
Chemicals Management Branch

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Medline Industries, Inc.)	Stop Sale, Use or Removal Order
Northfield, Illinois)	
)	
Respondent)	
<hr style="width:30%; margin-left:0"/>)	

I. AUTHORITIES

1. Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), 7 U.S.C. § 136k(a), authorizes the Administrator of the U.S. Environmental Protection Agency (EPA) to issue an order prohibiting the sale, use, or removal of any pesticide or device by any person who owns, controls, or has custody of such pesticide or device whenever there is reason to believe that, *inter alia*, the pesticide or device is in violation of any provision of FIFRA, or the pesticide or device has been or is intended to be distributed or sold in violation of any provision of FIFRA.

2. This authority has been delegated to the EPA, Region 5, Land and Chemicals Division, Chemicals Management Branch Chief, from the Administrator of EPA.

II. BASIS FOR ORDER

3. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a pest as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).

4. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. § 152.15 define a pesticide as a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating a pest.

5. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), states that the term “to distribute or sell” means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.

6. Pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), it is unlawful to distribute or sell to any person any pesticide that is not registered under Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

7. The regulation at 40 C.F.R. § 152.15(a)(1) states that a substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if the person who distributes or sells the substance claims, states, or otherwise implies (by labeling or otherwise) that the substance (either by itself or in combination with any other substance) can or should be used as a pesticide.

8. Medline Industries, Inc. (Medline or Respondent) is a “person” as that term is defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

9. On or about January 19, 2018, an inspector employed by EPA and authorized to conduct inspections under FIFRA visited Medline’s website at www.medline.com.

10. On or about January 19, 2018 the EPA inspector observed Medline’s website to contain information and product brochures for the product **Micro-Kill 70 Isopropyl Alcohol Wipes**.

11. On or about January 19, 2018, Medline's website and/or brochures contained at least the following pesticidal claims or statements for the product **Micro-Kill 70 Isopropyl Alcohol Wipes**¹:

- a. "Micro-Kill"
- b. "ARE YOU WINNING THE GERM BATTLE?"
- c. "EFFECTIVE DISINFECTION AT YOUR CONVENIENCE"
- d. "Medline's comprehensive line of disinfectant wipes help to reduce the chance for cross-contamination and transmission of infectious microorganisms on a variety of surfaces, patient care equipment and point-of-care equipment."
- e. "Using Micro-Kill disinfectant wipes ensures:
 - The proper concentration of solution is delivered every time to achieve surface disinfection.
 - Effective disinfection of hard-to-kill microorganisms on hard, non-porous surfaces.
 - Durability to handle hard surface scrubbing and hold enough disinfectant to ensure maximum surface coverage."
- f. "Micro-Kill Isopropyl Alcohol Wipes 70 "Cleans Delicate Instruments ...
Common Uses Made with 70% Isopropyl Alcohol (IPA), Micro-Kill 70 wipes are ideal for delicate digital technology, as well as all surfaces."

12. Medline claims, states, or otherwise implies, by labeling or otherwise, that **Micro-Kill 70 Isopropyl Alcohol Wipes** can or should be used as a pesticide.

¹ This list of pesticidal claims or statements is not intended to be an exhaustive list found on Respondent's website, www.medline.com.

13. Based on these claims, statements or implications, the product, **Micro-Kill 70 Isopropyl Alcohol Wipes**, is a pesticide, as that term is defined by statute and regulation, because it is intended to prevent, destroy, repel, or mitigate a pest.

14. The pesticide product, **Micro-Kill 70 Isopropyl Alcohol Wipes**, is not registered with EPA pursuant to the requirements of Section 3 of FIFRA, 7 U.S.C. § 136a.

15. Medline “distributes or sells” **Micro-Kill 70 Isopropyl Alcohol Wipes**, as that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

16. Respondent is therefore distributing or selling an unregistered pesticide, **Micro-Kill 70 Isopropyl Alcohol Wipes**, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

17. Pursuant to Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), the Administrator may issue an order prohibiting the sale, use, or removal of **Micro-Kill 70 Isopropyl Alcohol Wipes** because Respondent is distributing or selling such unregistered pesticide product in violation of FIFRA.

III. ORDER

18. Respondent is hereby ordered to immediately cease any distribution, sale, use, or removal of the unregistered pesticide product, **Micro-Kill 70 Isopropyl Alcohol Wipes**, and any other unregistered products under the brand name “Micro-Kill” (collectively, the “violative pesticide products”).

19. This Order shall pertain to all inventory of **Micro-Kill 70 Isopropyl Alcohol Wipes** and any other unregistered products under the “Micro-Kill” brand that are within the ownership, control, or custody of Medline, wherever the violative pesticides products are located.

20. The violative pesticide products shall not be sold, offered for sale, held for sale, shipped, delivered for shipment, received; or, having been so received, delivered, offered for delivery, moved, or removed by Respondent, for any reason, other than in accordance with the provisions of this Order or of such further Orders as may be issued by EPA in connection with the violative pesticide products identified in this Order.

21. Any agent, owner, or operator of Medline violating the terms or provisions of this Order may be subject to civil or criminal penalties as prescribed in Section 14 of FIFRA, 7 U.S.C. § 136l.


22. The issuance of this Order shall not act as a waiver by EPA of any enforcement or other authority available to EPA under Federal law.

23. This Order shall be effective immediately upon receipt by an agent, owner, or operator of Medline.

24. Respondent may seek federal judicial review of the Order pursuant to Section 16 of FIFRA, 7 U.S.C. § 136n.

IV. OTHER MATTERS

25. For any additional information about this Order, please contact Ms. Nidhi O'Meara, Associate Regional Counsel, at (312) 886-0568.



Mardi Klevs
Chief
Chemicals Management Branch
Land and Chemicals Division



Date